

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. W-1333, SUB 0
DOCKET NO. W-1130, SUB 11

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	PUBLIC STAFF'S
Application by Currituck Water and)	RESPONSE TO CURRITUCK
Sewer, LLC, 4700 Homewood Court,)	WATER AND SEWER, LLC'S
Suite 108, Raleigh, North Carolina)	MOTION TO COMPEL AND
27609, and Sandler Utilities at Mill Run,)	REQUEST FOR EXTENSION
LLC, 448 Viking Drive, Suite 220,)	OF TIME
Virginia Beach, Virginia 23452, for)	
Authority to Transfer the Sandler)	
Utilities at Mill Run Wastewater System)	
and Public Utility Franchise in Currituck)	
County, North Carolina, and for)	
Approval of Rates)	

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers, and hereby submits its response in opposition to Currituck Water and Sewer, LLC's (Currituck) Motion to Compel and Request for Extension of Time filed on March 18, 2022. In support of this opposition, the Public Staff states as follows:

I. Background

On November 18, 2021, the Commission issued an Order Scheduling Hearings, Establishing Discovery Guidelines, and Requiring Public Notice (the Procedural Order).

On February 24, 2022, the Public Staff filed a motion for an extension of time to file testimony and exhibits to March 2, 2022, and for an extension of the discovery request response deadlines for the Public Staff's direct testimony using the same timeframe set forth in Discovery Guideline 4 of the Procedural Order. In its motion, the Public Staff stated that it was awaiting outstanding information from Currituck, which it deemed necessary and material to the direct testimony of the Public Staff.

On February 25, 2022, the Commission issued an Order Granting Public Staff's Motion for Extension of Time to File Testimony and Exhibits and Extension of Discovery Deadlines Nunc Pro Tunc (Extension Order). The Extension Order extended the deadline for filing the Public Staff's testimony and exhibits to March 2, 2022, and the deadline for filing the Companies' rebuttal testimony and exhibits, if any, to March 22, 2022.

The Commission's Extension Order also provided that formal discovery requests of the Public Staff shall be served on the receiving party no later than five calendar days after the filing of that party's testimony.

On March 2, 2022, the Public Staff filed the direct testimony of Public Staff witnesses, Michael Franklin, Iris Morgan, and Phat Tran (public and confidential versions), and the joint testimony of David May and Robert Tankard.

On March 7, 2022, Currituck and Sandler served the Public Staff with discovery within the five days prescribed by the Extension Order.

Currituck in particular served the Public Staff with an eight-page data request consisting of 75 questions, some containing subparts, which requests a substantial amount of information.

Discovery Guideline 4, of the Procedural Order provides that formal discovery requests of the Public Staff and other intervenors shall be served no later than five calendar day after the filing of that party's testimony and the party On March On March 7, 2022, Currituck served the Public Staff with discovery within the five days prescribed by the Extension Order.

On March 10, 2022, the Public Staff filed a Motion for Extension of Time to File Objections to Discovery (March 10 Extension Motion) due to the press of other matters and the magnitude of Currituck's discovery request in particular.

In its March 10 Extension Motion, the Public Staff requested that the Public Staff be permitted to file its objections, if any, by March 15, 2022 and that the Commission preserve the remaining dates and deadlines regarding the milestones and discovery guidelines set forth in the Procedural Order and Extension Order. The Public Staff further indicated that it had contacted counsel for Currituck and Sandler and they indicated that they did not object to the Public Staff's March 10 Extension Motion.

On March 11, 2022, the Commission issued an Order Granting Public Staff's Motion for Extension of Time to Object to Discovery Nunc Pro Tunc extending the time for the Public Staff's filing of objections to March 15, 2022, and preserving the remaining procedural dates and deadlines as required by the Procedural Order.

On March 18, 2022, Currituck filed its Motion to Compel, which was one day past the date required by the Commission's Procedural Order. Paragraph 6 of the Commission's Procedural Order provides that upon the filing of objections, the party seeking discovery shall have two business days to file with the Commission a motion to compel, which would have been March 17th.

II. Discussion

The Public Staff made a good faith effort to answer the extensive discovery questions posed by Currituck within the time prescribed. Attached hereto is a copy of the complete data request. Currituck's Motion to Compel characterizes the Public Staff's objections as "based on unexplained, boilerplate statements that the requests are vague, burdensome, unclear, ambiguous or call for speculation", and recites the scope and limits of discovery and limits prescribed by Rule 26 of the North Carolina Rules of Civil Procedure (Rule 26). Currituck, however, failed to state the reason(s) why the questions to which the Public Staff objected were relevant to its case or the bases for its numerous requests for the information.

While the scope of discovery permissible under Rule 26 of the North Carolina Rules of Civil Procedure are broad, whereby, in general parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in a pending action, it is not unchecked. Rule 26 (b)(1a) sets forth three limitations on the frequency and extent of discovery that is appropriate in actions, two of which are when the discovery sought is unreasonably cumulative or duplicative or is obtainable from some other source that is more convenient, less burdensome, or less expensive, or the discovery is unduly

burdensome or expensive, taking into account the needs of the case. For the reasons stated in the Public Staff's objections filed in this docket on March 15, 2022, maintains all of its objections with regard to data requests based on the limits to discovery provided in Rule 26(b)(1a) and for other reasons stated as follows:

The Public Staff maintains its objections with respect to the data requests³, 4, 5, 6, 11, 12 (c), 13, and 16, just to name a few. Although the Public Staff objected to these data requests, it nevertheless provided answers to the questions and/or requested that Currituck provide more clarifying information. Regarding objections made by the Public Staff as to DR 7, Currituck requested the Public Staff to opine on how a survey submitted by customers, which Mr. Franklin mentioned in his testimony, was designed, and conducted when the Public Staff had no involvement whatsoever with the survey. This is just one clear example of a request for information that was outside the scope of the Public Staff's testimony.

The Public Staff also provides the following as to other objections raised in the following categories:

A. Beyond the scope of direct

As noted above, Rule 26(b)(1a)(iii) provides that discovery may be limited where the discovery is unduly burdensome. Given the time constraints to respond to discovery requests propounded in response to prefiled testimony, combined with the parties' ability to conduct discovery at any time prior to submission of prefiled

testimony, discovery requests made after submission of prefiled testimony should be limited to discovery based on the content of the testimony that was not sought in earlier discovery.

B. Currituck Already Knows the Answer

Discovery may be limited where the discovery sought is obtainable from some other source that is more convenient or less burdensome. Rule 26(b)(1a)(i). Where Currituck asked for information about Envirolink employees or in Envirolink's records, and Envirolink and Currituck are under the same management, it is more convenient and less burdensome for Currituck to obtain this information than for the Public Staff to reach out to Currituck' principals to obtain information about Envirolink and then pass that information back to the same individuals from whom the information was received.

C. Outside the Personal Knowledge of Witness

Lack of personal knowledge was not an objection, but rather an answer to the questions asked. In addition, questions 16(b), 16(i), and 29 all seek information to which Currituck has equal if not greater access. As noted above, discovery may be limited where the discovery sought is obtainable from some other source that is more convenient or less burdensome. Rule 26(b)(1a)(i).

D. Question is Broad, Vague, Unclear, or Calls for Speculation

The Public Staff cannot respond to questions where it is unclear what is being asked. It is unduly burdensome to require the party receiving discovery to clarify discovery questions, terms, and scope in the short timeframe provided to

respond in this instance. Despite these barriers, the Public Staff endeavored to provide responses to all but one question in Currituck's' discovery. The sole question where a substantive response was not provided (May and Tankard question 42) included an offer to discuss the scope of the request and a reasonable schedule for production of documents. The Public Staff additionally cannot respond to questions that ask a witness to speculate on the actions or thoughts of others.

For the reasons stated above, and due to the lack of support for Currituck's Motion to Compel, the Public Staff maintains its objections with respect to the data requests and entreats the Commission to review the specific questions of Currituck and the Public Staff's responses.

Additionally, because of the short timeframe between additional rebuttal testimony, potential discovery and the hearing date, the Public Staff believes this case should proceed forward without further delay.

III. Conclusion

The Public Staff respectfully requests that Currituck's Motion to Compel be denied upon the bases stated herein and in the Public Staff's objections filed on March 15, 2022, and that Currituck's request for extension of time be denied as Currituck consented to the adhere to the further milestones and guidelines prescribed in the Commission's Procedural Order.

Respectfully submitted this 21st day of March, 2022.

PUBLIC STAFF
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Electronically submitted
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CERTIFICATE OF SERVICE

I do hereby certify that I have served a copy of the foregoing Motion upon each of the parties of record in this proceeding or their attorneys of record by emailing them an electronic copy or by causing a paper copy of the same to be hand-delivered or deposited in the United States Mail, postage prepaid, properly addressed to each.

This the 21st day of March, 2022.

Electronically submitted
/s/ Gina C. Holt

Discovery requests for the testimony of Mike Franklin[Edited per 3/7/22 9:35 PM Email from Ed Finley]

1. Since 2015, what actions has Public Staff taken to verify that conditions of the 2015 Rate Case Order were fulfilled?
2. In the experience of the Public Staff in general on Mr. Franklin in particular, would the conditions of wastewater system components be expected to improve or degrade without proper resources for maintenance? What evidence can the Public Staff provide that supports that this investment was provided for the Eagle Creek Wastewater system prior to September 2020?
3. In the experience of the Public Staff, how long would it take equipment to degrade to the point of failure without proper maintenance?
4. Please verify that the Public Staff was provided photos of the conditions of the wastewater plant on August 4, 2020.
 - a. If so, what did the photos indicate?
 - b. In the experience of the Public Staff, how long would it take for a plant to degrade to the point shown in those photos?
5. In the experience of Mr. Franklin or others on the Public Staff, is the treatment process described in Mr. May and Mr. Tankard's testimony capable of meeting reclaimed standards without filters and ultraviolet disinfection?
6. Based on the knowledge of Mr. Franklin or others on the Public Staff of the Eagle Creek wastewater system, what would cause high ammonia in the groundwater wells and how long would it take to show up in the groundwater?
7. The Franklin testimony cites the survey conducted at Eagle Creek. Please explain how survey questions are designed and conducted to ensure they do not introduce bias into the survey results?
8. Do you maintain the questions on the survey were written without bias?
9. Prior to October 2020, how many times has the Public Staff inspected the Eagle Creek wastewater system?
10. Did the Public Staff investigate other system beside Oak Island?
11. Did the Public Staff request information from Flovac and/or Qua-vac regarding retrofitting of Airvac systems and what caused the owners to convert from Airvac?
12. Did the Public Staff contact the Florida Department of Environmental Quality and discuss their experience with vacuum systems and their reason for their extensive design criteria?
13. Regarding the Public Staff's assessment of the Oak Island vacuum system
 - a. You describe the occurrence of service failure as "rare" and then state that the system experiences approximately 5 failures per month.
 - i. How does this compare to failures to low pressure, STEP or gravity?
 - ii. What does the Public maintain is an acceptable rate of failure for a collection system?
 - b. In the event of failure, on average how long before a home would experience a backup?
 - i. Please compare that time period to gravity, low pressure and STEP?
 - c. On page 20, beginning on line 1 you state that Oak Island maintains 2-3 spares of each component. Based on your knowledge, what level of spare components were being maintained at Eagle Creek prior to September 2020?

- d. Does the Oak Island vacuum system provide monitoring of vacuum pressure on the collection lines?
 - e. Please compare the age of the Oak Island vacuum system to the age of the Eagle Creek vacuum system.
 - f. Please compare the maintenance history of the Eagle Creek vacuum system to Oak Island vacuum system.
 - g. How often has the Eagle Creek system been inspected and adjusted since September 2020 and compare that to the inspection history for the Oak Island vacuum system.
 - i. Has this inspection reduced service failures?
 - h. Please explain the level of maintenance the description “continuous maintenance” as set forth on page 21, line 3 includes and provide any evidence supporting maintenance activities on the Eagle Creek wastewater system prior to September 2020 and since September 2020 as two different exhibits.
14. With respect to testimony on pages 21 and 22, does the Public Staff recommendation for a \$1,000,000 bond include Fost, Flora and other communities under the ownership of Currituck Water & Sewer?
 15. Please explain the apparent conflict between disallowing cost recovery for controller and valve rebuilding and replacement and your statement regarding there being additional life in the vacuum system because of the controller and valve rebuilding/replacements?
 16. Your testimony states that Sandler did not properly maintain the Eagle Creek wastewater system. In your opinion, how long would it take a wastewater system to degrade to the point of failure without proper maintenance?
 17. Please provide information on the Public Staff’s recommended rate base of \$398,499 set forth on page 29 line 22 identifying how much is associated with the collection system and how much is associated with the wastewater treatment and disposal system?
 18. Based on your review, please state how many times the controllers and valves have been rebuilt at Eagle Creek.
 - a. In your opinion, what is the life of a rebuilt controller and valve?
 - b. Please provide any reliability information on controllers and valves for a vacuum system?
 19. Your testimony on the life of the Eagle Creek assets did not include the vacuum station. What is the Public Staff’s opinion on the condition of the vacuum station?

Discovery requests for the testimony of Robert Tankard & David May:

1. Please provide information on Robert Tankard’s experience between 2004 and 2013?
2. On Page 5, line 18 information indicates that you “conduct inspections and receive and evaluate sanitary sewer overflow reports.” Please provide all inspections conducted of the Eagle Creek Wastewater Collection System between 1997 and present?
3. On Page 7, beginning at line 1 you describe a “candy cane”,
 - a. Who has ownership and maintenance responsibility for the candy cane?
 - b. The comment is made on page 7, line 3 that the candy cane keeps the vacuum from drawing water from drain traps and toilets within the homes or from otherwise damaging pipes. It is CWS’ understanding that the candy cane allows air to enter the

vacuum system in order to maintain a proper air to water ratio, so that water can be transmitted within the vacuum system. Please explain how the candy cane keeps the vacuum system from drawing water from the drain traps and toilets as you represent in your answer?

4. On Page 7, you provide a description of the wastewater treatment facility and that “when treated the water meets reclaimed effluent standards.” In your experience is this treatment process able to reliability meet reclaimed effluent limits without filtration and/or ultraviolet disinfection?
5. On Page 7, you state that the WWTP discharges to an irrigation storage pond. Previous correspondence from DEQ describes this as an infiltration pond. Please explain whether you maintain that this pond is a storage pond or an infiltration pond.
6. On Page 8, you state that an unpermitted release of wastewater from a collection system is referred to as a sanitary sewer overflow or SSO.
 - a. Please state whether there a regulatory definition of a sanitary sewer overflow in rule or DEQ policy? If so, please provide a copy of this rule or policy?
 - b. In this response, there is reference to a “collection system”. Please describe a collection system as referred to in this answer. Specifically, where does the collection system start and where does it end (e.g. Points of Demarcation)?
7. Mr. Franklin and Mrs. May/Mr. Tankard’s testimony makes reference to the City of New Bern’s vacuum collection system as an example of a properly operated and maintained vacuum system.
 - a. Other than Eagle Creek, please indicate if you are aware of any other vacuum system that have problems similar to Eagle Creek?
 - b. Are you aware of any other Airvac vacuum systems where Airvac competitors (Flovac and Qua-vac) have retrofitted their product into Airvac vacuum systems and the purpose for the retrofit?
 - c. Please provide information on why Airvac and Flovac developed monitoring systems for vacuum systems?
8. On Page 11, you state that Envirolink purchased Envirotech in the Spring 2020.
 - a. Which individuals operated the Eagle Creek vacuum system between the spring of 2020 and September 7, 2020?
 - b. Where these Envirolink employees or a former Envirotech employees?
 - c. Please indicate how many Envirotech employees were assigned to the Eagle Creek vacuum collection system while Envirotech served as operator.
9. On Page 11, you state that you received three complaints between 2002 and 2020. However, there is customer testimony and accounting records that indicate the system experienced numerous service issues during this period. Please explain why the system was experiencing service issues but DEQ would not be receiving complaints?
10. On Page 11, you state that a Capital Improvement Plan is required but was absent or missing and that a Capital Improvement Plan is required to verify that the system owner has considered Long Term Maintenance. Please list any actions DEQ took to determine whether a Capital improvement was developed and that the system owner considered and addressed long term maintenance?
11. On Page 11, you stated that the treatment and disposal system did not experience major operational problems while Envirotech was the operator.

- a. Please indicate whether you are aware of an August 2020 inspection report that states that the traveling bridge filters had been out of operation for 2 years?
 - b. Do you consider filters being out of service for 2 years an operational problem?
 - c. Please state whether you evaluated the data being submitted to DEQ to determine if the data was representative of the effluent being generated from the Eagle Creek wastewater treatment plant?
 - d. In your experience, is a treatment plant with aeration and clarification without filters capable of reliably meeting Biochemical Oxygen Demand, Total Suspended Solids, Total Phosphorus and/or turbidity standards?
 - e. Please explain why monitoring wells show high levels of ammonia, if as you maintain the wastewater treatment system was not experiencing major operational problems?
 - f. Please provide records of the repairs that you state Envirotech addressed when identified?
12. The testimony states that the following problems were addressed:
- I. Failure to post notices at the Mill Creek Golf Club that reclaimed water was used for irrigation.
 - II. a time when controllers were not sending non-reclaimed quality water away from the irrigation basin
 - III. difficulty maintaining the infiltration basin
 - a. Please provide records that each of these items were list as being addressed?
 - b. Please explain the discrepancy between this statement and recent inspection reports and the recently issued permit that requires notices be posted and maintenance on the infiltration pond?
 - c. Please explain the condition of the plant in August 2020, shortly before the former Envirotech employees were replaced with Envirolink employees?
13. The testimony states that three Notices of Violations were issued related to collection system and seven Notices of Violation were issued related to the treatment and disposal system. In addition, you cite the reason for the violation but did not provide any evidence showing these issues were corrected. Please provide evidence that these issues were corrected.
14. You state that Sandler and Envirolink failed to notify DEQ of SSOs. Please state whether any of the suggested SSOs exceed 1,000 gallons or reached surface waters?
15. The testimony indicates that the fecal samples in the stormwater showed levels too numerous to count.
- a. Have you performed samples prior to or since this event? If so, please provide the results?
 - b. In your experience, what are sources of fecal samples? E.g., is wastewater the only potential reason for a sample to come back as too numerous to count?
16. The testimony states that on August 19, 2020, "shortly after Envirolink took over" that DEQ held an inspection and list the following issues:
- I. the tertiary filter was not operational and was being bypassed;
 - II. one of the aeration basins was closed and had vegetation growth in it;
 - III. operational logs were not present on site;
 - IV. there was an excessive amount of woody vegetation growing around the high rate infiltration pond;

- V. However, no significant issues or findings were noted by the next inspection on October 21, 2020.
- Please provide the name of the operator at the time of the August 19, 2020 inspection.
 - Please explain why the statement contained in the inspection report about the filters being by-passed for 2 years was left out of your testimony.
 - Please provide information on how long the aeration basin had been closed and why vegetation was growing in it?
 - Please provide information on how long an operator log was not being maintained.
 - Please provide information on how long wood vegetation growing around the high rate infiltration basin was present on the high rate infiltration pond.
 - Please explain why the items noted on the August 19th inspection had not been addressed prior to this inspection.
17. The testimony indicates that overflows or spills were observed as a result of the filters being bypassed.
- Please provide information on when the spills were identified by the operator and the time period between when the spills were identified and when corrective action was completed?
 - Please provide information on the quality of effluent since November 2021 and
 - present?
18. On page 17 line 18 through page 18 line 3 of the May and Tankard testimony the following answer appears:
- On August 19, 2020 shortly after Envirolink took over as operator, an inspection of the treatment and disposal system revealed that (i) the tertiary filter was not operational and was being bypassed , (ii) one of the aeration basins was closed and had vegetation growth in it, (iii) operational logs were not present on site, and (iv) there was an excessive amount of woody vegetation growing around the high rate infiltration pond. However, no significant issues or findings were noted by the next inspection on November 21, 2020.
19. By this answer do the witnesses imply that the items addressed in the August 19, 2020 inspection report were traced to Envirolink's operations and Envirolink's operations alone?
20. Prior to the August 19, 2020 inspection, when was the most recent previous inspection by DWR?
21. Do the witnesses maintain that none of the issues addressed in this answer existed prior to Envirolink's taking over as operator?
22. On page 19 lines 13 through 16 of the May and Tankard testimony the following appears:
- Of note, around the time Envirolink took over as operator, DWR began issuing a single NOV per monthly violation as opposed to its prior practice of issuing a single NOV for multiple violations covering several months.
23. By this sentence do the witnesses imply that upon Envirolink's taking over as operator the need arose to change DWR's practice of issuing NOVs for the single reason that Envirolink became the operator as opposed to Envirotech? If the answer to this question is yes, what is the basis for this implication? Please explain what is meant or implied by the phrase of note?
24. On page 9 beginning on line five of the May and Tankard testimony the following appears: the Washington Regional office currently oversees the operation of approximately 4 vacuum systems, including this system at Eagle Creek. Although there are limited number of vacuum

system and operations across the state, we are not aware of any evidence indicating that these systems are unreliable or prone to noncompliance, and DWR does not discourage the use of these systems. In our experience, backing systems are well maintained and have a routine maintenance schedule having minimal problems.

25. Please explain the use of the word approximately. Are there four or some other number?
26. Please list the vacuum systems over which the Washington regional office has oversight responsibilities.
27. Are any of these systems partially vacuum and partially reliant upon another collection method such as gravity?
28. Please list the total number of wastewater collection systems that are overseen by the Washington Regional Office of which vacuum systems consist of approximately 4.
29. How many vacuum systems are in operation across the state?
30. As the Franklin testimony indicates only the Eagle Creek vacuum system is one that is regulated by the Utilities Commission. Do the witnesses May and Tankard agree that only the Eagle Creek vacuum system is one that is regulated by the Utilities Commission?
31. As for the vacuum systems in the state that are not regulated by the Utilities Commission, how are the rates to consumers of the services of the systems established?
32. How does the number of vacuum systems in operation across the state compare to the total number of systems in operation across the state?
33. Page 3 line 10 of the Franklin testimony the following sentence appears, "Sandler is the franchise holder of the Eagle Creek wastewater utility system, which is the only vacuum wastewater collection system the Commission regulates."
34. Please list the number of wastewater collection systems the Commission regulates.
35. Please identify the experience of Public Staff witness Franklin, May and Tankard have in operating wastewater treatment plant, a wastewater collection system, or any portion of a wastewater collection or treatment system.
36. On page 27 beginning at line 18, you recommend disallowing the irrigation system improvements of approximately \$27,300. This conflicts with verbal statements provided to CWS and Envirolink during the meeting in Raleigh with Senator Steinburg, when it was communicated that this was going to be required to obtain the setback waiver required by NC DEQ. Additionally, the irrigation system is a part of the treatment and disposal system. Please provide information on the change of position by the Public Staff between this meeting and Mr. Franklin's testimony?
37. Prior to the August 19, 2020 inspection, when was the most recent previous inspection by DWR?
38. Do the witnesses maintain that none of the issues addressed in this answer existed prior to Envirolink's taking over?
39. The testimony describes the injunctive relief was intended to restore service and prevent future SSOs.
 - a. Please provide information as to what the term "restore service" is intended to mean?
 - b. Please define a "SSO"?
 - c. In your experience,
 - i. what would cause a vacuum system not to provide service to a customer?
 - ii. what is a reasonable time period to respond and take corrective action?
 - iii. what happens if the service is not located and repaired in this time period?

- iv. what is a typical response time for low pressure, STEP or gravity?
 - v. what is the typical frequency of service failures for:
 - 1. Gravity
 - 2. STEP
 - 3. Low Pressure
 - 4. Vacuum
40. The testimony states that Sandler failed to have technicians on site from 4 am to 12 am Monday through Friday.
- a. Were not technicians on-site during hours when they were not required to be on-site at other times not stipulated in the Consent Judgement?
41. Please explain why after 20 years of service issues on the Eagle Creek collection system, DEQ filed for injunctive relief when it did?
42. Please provide any all correspondence whether internally, between DEQ and residents, between DEQ and Public Staff as it relates to the Eagle Creek wastewater system and these transfer proceedings.
43. Please explain why the provision restricting the transfer of assets until Defendant moves to join the transferee as a defendant in this case was added.
44. The testimony states that Mr. Rigsby's evaluation was not yet complete. However, it is our understanding that this report has been completed and that the report conflicts with several statements provided in Mr. Franklin and Mr. May/Mr. Tankard's testimony. Specifically, please provide an explanation regarding the following:
- a. Service reliability assessment of vacuum sewer collection versus statements provided in this testimony.
 - b. The history of service issues with the Eagle Creek wastewater system versus statements provided in testimony.
 - c. The condition of the Eagle Creek wastewater system.
45. It is our understanding that Mr. Rigsby evaluation does highlight concerns with the cleanliness and organization of the site. Please provide information on the condition of the site prior to September 2020 and your understanding of plans Currituck Water & Sewer has to address the condition and organization of the building and site?
46. Are you aware of whether Envirolink staff had conducted training prior to the Consent Judgement?
47. Were you aware of vacuum leaks prior to September 2020? If not, why do you think you were not aware of vacuum leaks?

General Questions

- 1. If Currituck Water & Sewer were to agree to be bound by the Consent Judgement,
 - a. What are the requirements of consent judgment that CWS would need to complete?
 - b. What is the timeframe for completion of these requirements?
- 2. Recognizing that CWS's plans exceed the requirements of the consent judgement, at what point could CWS be released from Consent Judgement?
- 3. Can the Public Staff or DEQ provide information on the actions taken to address past service and compliance Issues at Eagle Creek?

4. Provide a list of each regulated utility in NC and the bond requirement for each?
5. Please provide evidence that each bond is active and in place.
6. Recognizing that Currituck Water & Sewer has significant capital resources, please provide evidence that the NCUC requires all regulated utilities in NC to provide sufficient capital resources.
7. Please provide correspondence between
 - a. DEQ and Rolf Blizzard for Pine Island between 2010 and present
 - b. NCUC and Rolf Blizzard for Pine Island between 2010 and present
 - c. DEQ and Ray Hallowell for Kinnakeet Shores between 2010 and present
 - d. NCUC and Ray Hallowell for Kinnakeet Shores between 2010 and present
 - e. DEQ and the Town of Robersonville, prior to 2012
 - f. DEQ and the Town of Maysville between 2010 and present